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LATHAM & WATKINS LLP

June 16, 2022

Hon. Jeremiah J. McCarthy
United States District Court
Western District of New York
Robert H. Jackson United States Courthouse
2 Niagara Square
Buffalo, New York 14202

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File No. 072290-0003

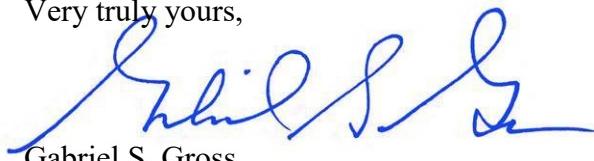
Re: *Moog Inc. v. Skyryse, Inc. et al.*, Case No. 1:22-cv-00187-LJV-JJM

Dear Judge McCarthy:

We write on behalf of Defendant Skyryse, Inc. to address Plaintiff Moog Inc.’s unauthorized submission this morning of a reply brief in support of its pending motion to compel disclosures. Last week, Moog filed a motion requesting numerous forms of relief on many issues, and (1) asked that its motion be heard on shortened time at today’s conference with the Court, (2) asked that Skyryse be ordered to respond in just three business days, and (3) told the Court in no uncertain terms that “*Moog is prepared to waive a reply brief* to accommodate the proposed [hearing] on June 16, 2022.” (Motion, ECF 142 at 2.) After Moog made this representation, the Court ordered the briefing and hearing to be held on Moog’s requested expedited schedule. (Text Order, ECF 145.)

This morning, contrary to its express waiver and without seeking leave of Court, Moog submitted via email a reply brief in the form of a letter to Your Honor, raising at least ten issues and conceding it was doing so after having “reviewed” Skyryse’s opposition briefing. This, after Moog waived its right to any such reply brief, represented it would not file one, and the Court did not authorize it to file one. (Text Order, ECF 145.) Moog should be held to its word and not permitted to disregard its representations to the Court. Respectfully, Skyryse asks the Court to strike Moog’s unauthorized reply submission in its entirety.

Very truly yours,



Gabriel S. Gross
of Latham & Watkins LLP